

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

LE'BON B. WALKER
Petitioner

v. CIVIL ACTION NO. PJM-06-937

FRANK C. SIZER, JR., et al.
Respondents

ORDER

On December 20, 2006, this Court denied and dismissed Le'Bon B. Walker's counseled Petition for Writ of Habeas Corpus. Paper Nos. 20 and 21. A timely-filed Motion to Alter or Amend Judgment was denied on March 15, 2007. Paper Nos. 25 and 26.

On June 14, 2007, Petitioner filed a Motion to Redate the March 14, 2007, denial of the Motion to Alter or Amend Judgment to reflect a decision date of June 14, 2007. Paper No. 27. Counsel sets forth the following chronology of events:

1. Counsel did not receive a copy of the March 14, 2007, Memorandum Opinion and Order denying the Motion to Alter or Amend Judgment via mail;
2. Counsel learned of the March 14, 2007, decision only after writing the Court on May 3, 2007,¹ requesting the Court to rule on the Motion to Alter or Amend, and receiving a faxed copy of the decision on May 8, 2007; and
3. Counsel intended to immediately file the instant motion seeking to have the March 14, 2007, Memorandum Opinion and Order redated, but inadvertently neglected to do so until now.²

Counsel did not receive a copy of any pleadings in this case via mail. As noted on the court website at www.mdd.uscourts.gov/cmecf/PDF/prisonerCasesPublic.pdf, electronic filing in prisoner cases, including habeas corpus matters filed pursuant to 28 U.S.C. § 2254, has been

¹See Paper No. 27, Exhibit A.

²Counsel was preparing for a two-week double homicide trial, *State of Maryland v. James Logan*, which was completed in Prince George's County Circuit Court on June 14, 2007.

required in actions filed on or after April 1, 2005.³ Under that system, pro se prisoner litigants send and receive paper copies of court documents via the mail, but members of this bar are required to file court documents electronically, and receive notification of filings, including court orders, through the electronic case system known as “CM/ECF”. Counsel is a registered user of the CM/ECF system and indeed has been involved in at least two other cases requiring the use of such system.⁴ He did receive the March 14, 2007 decision via email. That he may have failed to master the intricacies of the system,⁵ which provides nearly instantaneous e-mail notification of all matters docketed in this and other civil cases in which he has entered an appearance, does not merit the relief he now requests.

Accordingly, it is this 25th day of June, 2007, by the United States District Court for the District of Maryland, hereby ORDERED that:

1. Petitioner’s Motion to Redate Order and Memorandum Opinion (Paper No. 27) IS DENIED; and
2. The Clerk SHALL PROVIDE a copy of this Order, together with the foregoing Memorandum, to counsel of record.

/s/
PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE

³See also Administrative Order 2003-8 (also on the website).

⁴See *USA v. \$75,340.00 U.S. Currency, and Assorted Jewelry*, Civil Action No. AMD-07-600 (D. Md.), a Complaint for Forfeiture filed March 7, 2007, and *Campbell v. Sizer, et al.*, Civil Action No. WDQ-07-1054 (D. Md.), a habeas corpus petition filed by counsel pursuant to 28 U.S.C. § 2254.

⁵The Clerk on January 5, 2007, reminded counsel of his obligation to use the electronic filing system. See Paper No. 23.